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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,466	10/31/2000	Dennis Joseph Denen	LLT-259-A	2542

7590

04/04/2002

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EXAMINER

LEYKIN, RITA

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 04/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,466

Applicant(s)

DENEN ET AL.

Examiner

Rita Leykin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 18-24, 26-28, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) 25, 29 and 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

This office action is in response to the amendment, filed on March 12, 2002.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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+35
2. Claims 18-24, 26-28, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. US # 5,555,815 and Melocik et al. US # 4,567,757.

Young et al. discloses a control system for model vehicle on a track. Wherein, the model system generates force for propelling a model train. Young et al. teach:

- A locomotive 10, which is driven along a track 12 by transformer 16 that includes a horn button 18. Wherein, the activation of the horn button 18 produces a dc voltage on top of the ac track power. That sends an electric signal along a power rail 14;
- An offset sensor 28 is electrically coupled to the power rail 14 and is sensitive to either negative or positive dc offset on the rail. The negative offset is generated when the horn button 18 is depressed. That provides for changes in the voltage available to the motor.
- A sound generating unit 20 located within the locomotive body;
- A backup power source 21, such as battery;

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- A speed sensor 30 and offset sensor 28 provided to input data to a microcontroller 22;
- A sound information in form of sound memory ROM 26 arrangement coupled to the microcontroller 22. The processor on the basis of the detected speeds can vary sounds.

With respect to claim 31 the presence of non-volatile memory is a clear design choice.

Young et al. do not teach a transducer for providing rotational position information from the train wheels. And control arrangement coupled to the transducer that is configured to cause power to be applied to the motor at times based on information provided by the transducer.

Melocik et al. teach, (see Fig. 1 and column 1, lines 64-68 and column 2, lines 6-34, column 3, lines 26-32, 40-44, 51-59) an apparatus, in conjunction with a vehicle, Wherein, in response to receiving wheel rotational signals from the transducer, the processor determines the degree of rotation of the wheels during at least a predetermined portion of period of time that the traction motor is energized, (see abstract). The apparatus comprising:

- A source of power;
- A traction motor connected to the power source and to vehicle wheels.

Wherein, a predetermined amount of power from the power source is delivered to the traction motor for a predetermined period of time in response to received wheel rotational signal from the transducer;

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- The processor determined the degree of rotation of the vehicle wheels during at least a predetermined period of time that the traction motor is energized;
- A radio control interface in form of vehicle transceiver 60 coupled to communication interface;
- A remote computer/transceiver 62;

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine teaching of Young et al. and Melocik et al. to control the speed of the motor through the available on the track voltage and to provide for control of sound variations on the basis of the detected speed of motor.

The reason is to control operation of motor.

Allowable Subject Matter

3. Claims 25, 29 and 32^{+ 34} are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Leykin whose telephone number is (703)308-5828. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703)308-3370.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Rita Leykin
Examiner
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R.L.
April 2, 2002

A handwritten signature in cursive script that reads "Rita Leykin".